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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,958	03/08/2001	Louise Mary Wasilewski	A-6979	8732
5642                      7590                      05/12/2008 SCIENTIFIC-ATLANTA, INC. INTELLECTUAL PROPERTY DEPARTMENT 5030 SUGARLOAF PARKWAY LAWRENCEVILLE, GA 30044				
EXAMINER				
BUI, KIEU OANH T				
ART UNIT		PAPER NUMBER		
2623				
NOTIFICATION DATE		DELIVERY MODE		
05/12/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

# Office Action Summary

**Application No.**

09/801,958

**Applicant(s)**

WASILEWSKI, LOUISE MARY

**Examiner**

KIEU-OANH BUI

**Art Unit**

2623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21 and 23-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21, 23-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/IC)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

#### *Remark*

1. Claims 1-20 and 22 have been previously cancelled, and claims 21 and 23-38 are pending for reconsideration.

#### *Response to Arguments*

2. Applicant's arguments with respect to claims 21 and 23-38 have been considered but are moot in view of the new revised ground(s) of rejection.

#### *Claim Rejections - 35 USC 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

4. Claims 21-35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh (US Patent 6,931,657 B1) in view of Arsenault et al. (US Patent No. 5,886,995).

In regard to claim 21, Marsh discloses a selectable recording device for recording options to record a particular program, the device comprising "a storage device configured to store program information received from an input source, wherein the program information comprises a plurality of sets of available content streams for a plurality of program events" (Figs. 1 & 3 and col. 2/lines 17-41 and col. 4/lines 19-31); and "a processor configured to: provide a user option

to select a desired subset of set of available content streams associated with the particular program for recording, wherein the subset excludes at least one available content stream from the associated set of available content streams" (refer to col. 4/lines 19-31 for a set top box comprising a processor as noted; and col. 4/line 60 to col. 5/line 25 for the operation of the set top box in filtering or selecting which subset is of interest to the user/viewer; and particular, as noted in col. 5/line 25 to col. 6/line 8, Marsh shows an example of which subset or identifiable characteristic (content segments – meaning a portion of a particular program containing a plurality of content streams) that can be found in the EPG database to include or exclude for recording, for example, selectively identifying a show with Ms. Julia Roberts but not guest appearances on talk shows and the like etc; and further as noted in col. 7/lines 40-61, closed caption text or supplemental information associated with a program and/or separate audio program for English can also be identified for recording or opt out; and "receive user input indicating the desired subset of available content streams for recording" (col. 7/lines 20-39 as the user can select or opt out what is interested to him by editing a list of candidate programs to be recorded, with all of the capabilities for identifying an interest program as noted in col. 4/lines 37-48).

Marsch does not further reveal the detailed that "wherein each program of plurality of programs is associated with one of the sets of available content streams" (as amended); however, Arsenault teaches an exact same technique as Arsenault shows that each program of plurality of programs is associated with one of the sets of available content streams as Arsenault points out additional program information and services related to broadcast resources and bitstreams are available for transmission as the user receives all or portions (segments) of the

simultaneous programming to be broadcast over a number of broadcast resources (refer to Arsenault, col. 5/lines 36-64 & col. 27/lines 17-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marsch's system with Arsenault's disclosed technique in order to selectively provide "each program of plurality of programs is associated with one of the sets of available content streams" so that the receiving device or recording device can selectively view and/or record any available piece of information from the programming, not just for an entire program as desired.

In regard to claims 29 and 34, Marsh discloses that the stream contains audio and video information (refer to col. 5/lines 1-25 & col. 7/lines 40-61).

In regard to claims 23, 30 and 35, Marsh further discloses "wherein the desired subset of available content streams include no more than two types of the following types of content streams: an audio stream, a video stream, and a data stream" (col. 4/lines 9-18 wherein MPEG format contains audio and video streams).

In regard to claims 24 and 31, Marsh discloses a decryption device (col. 5/lines 50-59 as the set top box has a capability to decrypt viewer profile information and other information as the STB interfaces with media system 100, which also inherently suggests the decryption of scrambled programming).

In regard to claim 25, Marsh teaches this feature as program contents are parsing at content buffer as the processor determines which content stream is available (Fig. 3 and col. 6/lines 28-53).

In regard to claim 26, Marsh discloses identifying at least on packet identifier that represents at least one available content stream within the transport stream (refer to col. 6/lines 28-45 as content are buffered in the pipe in a FIFO form as a shift register- understood as for counting and identifying purpose for the content stream).

In regard to claim 27, Marsh inherently teaches at least one decoder configured to decode at least one available content stream (col. 4/lines 19-48, the set top box is equipped with a decoder for handling MPEG stream for displaying to the user).

In regard to claims 28 and 33, Marsh discloses a receiver and control system as discussed for claim 21. Refer back to claim 21 for the teaching of Arsenault for the content streams and the technique of selectively view and/or record any available piece of content streams.

In regard to claim 32, see claims 25 and 26.

In regard to claim 38, Marsh suggests "a reverse path coupled to the control system, the reverse path configured to communicate user input to the control system" and "a distribution system configured to communicate the at least one requested content stream to the user device" (Fig. 3 and col. 7/lines 10-39 for a feedback mechanism as well as the user can interactively provide the user's input for requesting the interested list of content to him).

5. Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh and Arsenault in view of Hoffberg et al. (US Pat No 6,418,424).

In regard to claims 36-37, Marsh and Arsenault do not explicitly disclose a modulator configured to associate a content stream with a predetermined frequency and providing the receiver with information related to the modulator. Meanwhile, Hoffberg teaches the modulator configured to associate a content stream with a predetermined frequency and providing the

receiver with information related to the modulator so as to allow proper communications between the transmitting site and receiving site. Consequently, it would have been obvious to one of ordinary skill in the art to modify Marsh's with Hoffberg's modulator configured to associate a content stream with a predetermined frequency and providing the receiver with information related to the modulator for the stated advantage.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to “Krista” Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, which alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, John W. Miller, can be reached at (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*/KIEU-OANH BUI/  
Primary Examiner, Art Unit 2623*